

H. B. 3003

(By Delegates Iaquinta, Fleischauer, Longstreth,
Azinger, Hatfield, Craig, Wells, Howell,
R. Phillips and Paxton)

(By request of the Adjutant General)

[Introduced February 3, 2011; referred to the
Committee on Veterans' Affairs and Homeland Security then
the Judiciary.]

A BILL to amend and reenact §15-1F-1 of the Code of West Virginia,
1931, as amended, relating to specifying additional activities
for which members of the National Guard or Armed Forces
Reserves who are also public officials and employees are
entitled to a leave of absence.

Be it enacted by the Legislature of West Virginia:

That §15-1F-1 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 1F. PRIVILEGES AND PROHIBITIONS.

**§15-1F-1. Leave of absence for public officials and employees for
drills, parades, active duty, etc.**

(a) All officers and employees of the state, or subdivisions
or municipalities thereof, who ~~shall be~~ are members of the National
Guard or Armed Forces Reserves, ~~shall be~~ are entitled to military
leave of absence from their respective offices or employments
without loss of pay, status or efficiency rating, on the days
during which they are ordered, by properly designated authority, to
be engaged in drills, inactive duty training, parades, funeral
details, service schools or other duty, during business hours,

1 field training, annual training or other full-time National Guard
2 duty pursuant to Title 10 or Title 32 United States Code, or active
3 service of the state, for a maximum period of thirty working days,
4 not to exceed two hundred forty hours in any one calendar year.

5 (b) ~~Effective September 11, 2001,~~ All officers and employees
6 of the state, or subdivisions or municipalities thereof, who are
7 ordered or called to active duty for a mobilization or deployment
8 under Title 10 United States Code or in support of a contingency
9 operation as defined in 10 U.S.C. §101(a)(13) by the properly
10 designated federal authority ~~shall be~~ are entitled to a military
11 leave of absence from their respective offices or employments
12 without loss of pay, status or efficiency rating for a maximum
13 period of thirty working days, not to exceed two hundred forty
14 hours for a single call to active duty: *Provided,* That an officer
15 or employee of the state, or subdivisions or municipalities called
16 to active duty who has not used all or some portion of the thirty
17 working days of military leave of absence granted by subsection (a)
18 ~~shall be~~ of this section are entitled to add the number of unused
19 days from that calendar year to the thirty working days, not to
20 exceed two hundred forty hours granted by this subsection, up to a
21 maximum of sixty days for a single call to active duty: *Provided,*
22 *however,* That none of the unused days of military leave of absence
23 granted by subsection (a) of this section may be carried over and
24 used in the next calendar year.

25 (c) The term "without loss of pay" means that the officer or
26 employee shall continue to receive his or her normal salary or

1 compensation, notwithstanding the fact that ~~such~~ the officer or
2 employee may have received other compensation from federal or state
3 sources during the same period.

NOTE: The purpose of this bill is to specify additional activities for which members of the National Guard or Armed Forces Reserves, who are also public officials and employees, are entitled to a leave of absence.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.